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James N. Glerum Director of Personnel	5E58 Hqs.
	Phone No.

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22 APR 1983

MEMORANDUM FOR: Executive Director

THROUGH: Office of General Counsel

FROM: James N. Glerum
Director of Personnel

SUBJECT: Use of Sick Leave to Attend Family Counseling or Therapy Sessions

1. Action Requested: That you approve the recommendation contained in paragraph 4.

2. Background

A. In May 1982 an Agency employee requested permission to use sick leave to attend counseling sessions in connection with his minor child's enrollment in STRAIGHT, a drug-rehabilitation program. An inherent part of this program is mandatory family participation at various stages in counseling and review sessions which might be considered "therapy." If the family is not willing to participate actively in the counseling sessions, the drug-dependent family member is not admitted to the program. In trying to respond to the request, the Policy and Programs Staff, Office of Personnel, researched and reviewed numerous official publications and consulted with Office of Personnel Management (OPM) and our own Office of General Counsel (OGC). We were unable to locate any specific references to drug- or alcohol-rehabilitation programs. We then also talked with officials at the Department of the Navy based on information provided by the employee and learned that that organization had incorporated into their regulations the authority for employees to use sick leave in such instances. With assurances of our OPM contacts that Agency heads had some discretion in administering leave programs, and that broad interpretations of sick leave rules in the instance we described were commensurate with the U. S. Government's efforts in the drug- and alcohol-abuse areas, we concluded that it was appropriate to approve the employee's request.

B. Subsequently, however, while trying to revise our leave regulations to formalize the issue, we learned from OGC that OPM's Office of General Counsel advised that we had been misinformed about the propriety of allowing sick leave to participate in a family member's counseling sessions (and by extension, of course, so was the Department of the Navy misinformed). OGC has advised us that OPM states that Agency heads do not have discretionary authority to grant this

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benefit generally to Federal employees. OGC has advised further that if the Agency were to authorize the use of sick leave for an employee to participate in a family member's drug- or alcohol-rehabilitation counseling sessions, we would have to rely on the authority of Section 8 of the CIA Act of 1949, as amended.

3. Staff Position

A. The movement of the STRAIGHT program into the Washington area has perhaps lessened the need for absences during the workday since they hold evening sessions much in the form of Alcoholics Anonymous groups. However, we are aware of another instance where a court has directed an Agency employee to enroll a minor child in a drug-abuse program or face the possibility of the jailing of the child. Since there are undoubtedly other programs which might require attendance at daytime sessions, we believe strongly that it is in the best interests of the Agency and employees to be as accommodating as possible in assisting employees in overcoming such difficult problems by allowing the employee to use sick leave.

B. We would propose that supervisors require specific documentation as to the need for absences during the workday to attend mandatory family sessions which can be considered as therapy. Meetings with program officials during working hours for the sake of registration, information gathering, progress reports, etc., that do not involve any form of counseling or participation which is therapeutic in nature would require use of annual leave.

4. Recommendation: It is recommended that you approve use of the Director's special authority under Section 8 of the CIA Act of 1949, as amended, to authorize the use of sick leave when an employee's attendance is required at family counseling or therapy sessions connected with a family member's participation in a voluntary or court-directed drug- or alcohol-rehabilitation program. This recommendation is made with the full knowledge that this is an unusual action and that such a benefit is not generally available to Federal employees.

/s/ James N. Glerum

James N. Glerum

CONCUR:

_____ _____

Office of General Counsel Date

APPROVE:

_____ _____

Executive Director Date

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